

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF OCTOBER, 2002

Original Application No.1182 of 2001

CORAM:

HON.MR.S.DAYAL, MEMBER(A)

HON.MR.A.K.BHATNAGAR, MEMBER(J)

Chhedi Lal Chauhan, son of
Late Kishori Lal Chauhan, a/a 64 years
Resident of 773/170/2 Rajroop-pur,
district Allahabad.

... Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. Senior Divisional Accounts Officer
Northern Railway in the office of
D.R.M, Allahabad.
2. The Financial Advisor and Chief
Accounts Officer, Northern Railway
Baroda House, New Delhi.
3. Union of India through
General Manager, Northern Railway
Baroda House, New Delhi.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

Hon.Mr.S.Dayal, Member(A)

This application has been filed for a direction to the respondents to pass orders for regularisation of suspension period from 25.8.1988 to 22.8.1994 and to pay to the applicant arrears of enhanced pay, pension, commuted pension, gratuity and leave encashment alongwith other admissible allowances with interest @ 12%.



The case of the applicant is that all the proceedings against him have been concluded and the dispute is only regarding deduction of a sum of Rs 12,000/- which has been deducted from gratuity.

We have heard Shri O.P.Gupta learned counsel for the applicant and Shri A.K.Gaur learned counsel for the respondents.

Learned counsel for the applicant contended that all the departmental proceedings against him have been concluded. In this connection he has referred to the second supplementary counter affidavit filed in civil misc. contempt petition No.66/99 in OA No.941/97. The respondents have given details of payment made in paragraph 5 which include the payment of DCRG less an amount of Rs 12000/-, the payment of leave encashment and the release of final pension with pension payment order and also commutation of pension. It is the contention of learned counsel for the applicant that no further proceedings are pending against him barring the question of recovery of Rs 12,000/- for which presidential sanction is stated to be necessary but no presidential sanction has been forthcoming so far. The respondents were willing to release this amount provided the applicant is given a bank guarantee.

The respondents on the other hand, in their counter reply have mentioned that Discipline & Appeal proceedings have not been completed as yet due to non availability of vital documents which are in the custody of special Judge Ante Corruption, Lucknow. It is mentioned that the discipline and appeal proceedings are still pending before the Competent Authority against the applicant for want of sanction of President of India for ~~deduction from~~ DCRG. They have denied that major penalty proceedings have been converted into minor penalty proceedings on account of reovery

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of Rs 12,000/- as proportionate loss.


We find that the second supplementary counter affidavit filed in contempt petition no.66/99 in OA 941/97 in May 2000 had released the pensionary benefits to the applicant barring an amount of Rs 12,000/-. On the treatment of the period of suspension the plea taken by the respondents that disciplinary proceedings are still not over and therefore the relief sought by the applicant cannot be allowed.

We find that there is an inordinate delay in finally deciding the disciplinary proceedings against the applicant and passing orders regarding treatment of suspension period. The respondents cannot be allowed indefinite time for deciding the claim of a retired employee.

We, therefore, direct the Union of India to complete the proceedings if any, pending against the applicant within a period of three months and thereafter pass orders on his claim for treatment of period of suspension and revision of retiral benefits within a month.

The OA stands disposed of with the above directions.
No order as to costs.


MEMBER(J)


MEMBER(A)

Dated: 07th October, 2002

Uv/